

Yeas—Messrs. Burney, Charlton, Davis, Dickson, Durrant, Guinn, Haskell, Holland, Hord, Jowers, Kinsey, Lea, Maxey, Moore of Davis, Parsons, Throckmorton, and Wootten—17.

Nays—Messrs. Ford, Harcourt, Hartley, Knox, Shepard, and White—6.

The question then being upon the engrossment of the bill, Mr. Harcourt moved a call of the Senate which was sustained.

A bill to change the name of Charles C. Ten Eyck to Charles Thomas Pelham. Read 1st time. Rule suspended. Read 2nd time and passed to 3rd reading. Rule further suspended. Read 3rd time and passed.

A joint resolution requesting the Commander of the Trans-Mississippi Department to grant permanent details to certain persons therein named. Read 1st and 2nd times and referred to Committee on State Affairs.

A bill supplementary to an act to regulate proceedings in the county courts, approved March 20, 1848. Read 3rd time and laid on the table.

A bill for the relief of the heirs of Thomas Moore. Read 2nd time and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

Mr. Throckmorton introduced a bill to repeal 1st section of an act to suspend the location, survey and sale of the public domain except in certain cases, approved December 14, 1863, and to provide for the sale of lands and land scrip. Read 1st and 2nd times and referred to Committee on Public Lands.

A bill authorizing the use of the Penitentiary for the confinement of military convicts. Read 2nd time. Amendment of Committee being considered, it was adopted.

Whereupon the Senate adjourned until 9 o'clock A.M. tomorrow.

Wednesday, November 2, 1864
9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

The following bills were reported correctly engrossed.

A bill for relief of heirs of Thomas Moore, deceased.

A bill to amend an act to encourage the erection of

machinery by donations of lands and otherwise, approved December 15, 1860.

Mr. Knox introduced a bill to amend Article 773 of the Penal Code. Read 1st and 2nd times and referred to Judiciary Committee.

Mr. Ford introduced a bill to amend Article 43 of *Oldham and White's Digest*. Read 1st and 2nd times and referred to Judiciary Committee.

A bill to authorize the use of the Penitentiary for the confinement of military prisoners in this Department. Read 2nd time. Mr. Shepard offered a substitute which was adopted. Mr. Throckmorton offered the following amendment:

"Section 2. That the provisions of this act shall also apply to persons convicted by courts martial of the frontier organization of this State, where such parties are convicted of the offense of desertion or mutiny or of any other offense of which said military courts may have jurisdiction that would by the civil law be a felony."

The bill and amendments were referred to Judiciary Committee.

Mr. Lea introduced joint resolution concerning an act to require the Financial Agent of the State Penitentiary to settle his accounts quarterly with the State Comptroller, approved January 2, 1862. Read 1st and 2nd times and referred to Finance Committee.

Mr. Shepard, Chairman of Committee on State Affairs, reported joint resolutions requesting the Commanding General of Trans-Mississippi Department to grant permanent details to certain persons therein named and recommended its passage. The report was taken up. Bill read 2nd time and passed to 3rd reading. Rule suspended. Read 3rd time and passed.

Also recommended the passage of a joint resolution to make an appropriation for the enclosure of the State Cemetery.

A bill to re-enact and amend Article 702 of the Code of Criminal Procedure. Read 2nd time. Mr. Harcourt moved to strike out the word "re-enact" wherever it occurs in the bill. Carried. Mr. Throckmorton moved to strike out "in that currency" and insert "so" after "be." The bill was re-referred to Judiciary Committee.

A bill supplementary to an act authorizing the Comp-

troller to receive from railroad companies the interest that may be now due or hereafter become due on their bonds approved December 16, 1863. Read 2nd time. The question being on the adoption of the substitute recommended by Committee on Finance, it was postponed by a motion to adjourn. The motion to adjourn was withdrawn, whereupon Mr. Shepard introduced a bill to facilitate the introduction into the several counties of the State of the carding machine invented by Messrs. Johnson and Hayford. Read 1st and 2nd times and referred to Committee on State Affairs. The Senate then adjourned until 3 o'clock P.M.

3 o'clock P.M.

Senate met, roll called, quorum present.

A message from the House announced the passage of the following bills:

A bill to provide more effectually for the support and maintenance of the indigent families and dependents of Texas soldiers. Read 1st and 2nd times and referred to Finance Committee.

A bill to incorporate the Houston Paper Mill Manufacturing Company. Read 1st and 2nd times and referred to State Affairs.

A bill to relieve Zepheniah McMillon from the disability of minority. Read 1st and 2nd times and referred to Judiciary Committee.

A resolution to adjourn on the 5th instant. Referred to Committee on Finance.

Mr. Throckmorton, one of the Finance Committee, made the following report:

November 2, 1864

President of the Senate:

The Committee on Finance have considered a bill to amend the 3rd section of an act entitled an act to prescribe what kinds of funds may be rid for certain public dues, approved January 11, 1862. The Committee find that there has been a bill previously reported which embraces as part of the subject matter of this bill from the Judiciary Committee on the question of fines and forfeitures.

The Committee have instructed me to report a substitute for the bill, requiring county officers to receive State Treasury Warrants at par for their fees when they are tendered in payment. The Committee believe that the

officers of the State government and the county officers should fair as nearly alike as possible in regard to pay for their services, and would therefore recommend the passage of the substitute.

J. W. Throckmorton
one of the Committee

The substitute pending at the adjournment this noon was adopted, whereupon Mr. Lea moved to amend the bill by striking out "one half" and insert "the whole or any part thereof." On this amendment the yeas and nays were as follows:

Yeas—Messrs. Burney, Harcourt, Hartley, Haskell, Jowers, Knox, Lea, Shepard, Throckmorton, Wootten, and White—11.

Nays—Messrs. Charlton, Dickson, Davis, Durant, Ford, Guinn, Hord, Kinsey, Maxey, Moore of Davis, and Parsons—11.

The President voted yea.

[Name torn out] . . . offered to amend by inserting after the word "manner" and before "provided" the words "hereafter to be issued." Lost.

Mr. Parsons moved to amend Section 1 by adding after "Treasury Warrants" in 6th line the words "bearing interest." Lost.

The bill was then ordered to be engrossed. Rule suspended. Read 3rd time and passed by the following vote:

Yeas—Messrs. Burney, Durant, Guinn, Harcourt, Hartley, Haskell, Jowers, Knox, Lea, Throckmorton, Wootten, and White—12.

Nays—Messrs. Charlton, Davis, Dickson, Ford, Hord, Kinsey, Maxey, Moore of Davis, Parsons, and Shepard—10.

The Judiciary Committee, Mr. Harcourt, Chairman, reported a substitute for a bill to amend Article 702 of Criminal Code. Report taken up. Substitute adopted and ordered to be engrossed. Rule suspended. Read 3rd time and passed.

The following report was adopted:

The Committee on Printing to whom was referred the accompanying bill, beg leave to state that as there is not a quorum of said Committee present they ask to report the bill back and recommend its reference to the Judiciary Committee.

G. H. Wootten

The Senate then adjourned until 9 o'clock A.M. to-morrow.

Thursday, November 3, 1864
9 o'clock A.M.

Senate met, roll called, quorum present. The Journal of yesterday was read and adopted.

Mr. Harcourt, Chairman of the Judiciary Committee recommended the indefinite postponement of a bill to regulate publication notices in certain cases. Also recommended the passage of a substitute for a bill to authorize the Superintendent of the Penitentiary to receive military convicts. Also recommended the passage of a bill to amend Article 754 of the Code of Criminal Procedure. Also the following report:

To the Honorable F. S. Stockdale, President of the Senate:

The Judiciary Committee has duly considered a bill to be entitled an act to amend Article 140 of the Code of Criminal Procedure. The amendment proposed is to authorize slaves to be relieved from illegal restraint or confinement by writ of habeas corpus.

A majority of the Committee are of the opinion that such alteration of the law without restricting its operation to criminal offenses or restraint under legal process would be injurious and might seriously embarrass the military operations of the country when slaves have been impressed to work on railroads, fortifications, etc. I am directed by a majority of the Committee to report the bill back to the Senate and recommend its indefinite postponement.

John T. Harcourt, Chairman

Mr. Lea, Chairman of the Committee on Finance, made the following reports:

To the Honorable F. S. Stockdale, President of the Senate:

The Committee on Finance, to which was referred a resolution to inquire into the expediency of providing for improved execution of the revenue laws and to examine into the propriety of a general reform of the laws regulating the collection of taxes, has considered the subject and reports as follows:

The Committee does not question the propriety of a general reform of the laws regulating the collection of taxes, but repeated experiments have shown the great difficulty of accomplishing such a reform, and such a change